

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MALCOLM DUBOSE,

Plaintiff,

-against-

SUNY MARITIME COLLEGE OFFICE OF
FINANCIAL AID et al.,

Defendants.

Case No. 1:24-cv-05547 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

On December 19, 2024, Plaintiff filed his memorandum of law in opposition to defendants' motion to dismiss the complaint. Dkt 36. On December 23, 2024, Plaintiff filed a supplemental set of exhibits to accompany his memorandum, Dkt. 39, and a motion to allow all of the exhibits to be submitted under seal, Dkt. 38.


Plaintiff's motion to seal the exhibits in support of his opposition to Defendants' motion to dismiss is DENIED. On consideration of a motion to seal, the Court must determine (1) whether the document to be sealed is a "judicial document"; (2) the weight of the presumption of public access; and (3) whether there are countervailing considerations that may overcome this presumption. *See generally Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006).

The exhibits to Plaintiff's opposition to the motion to dismiss are judicial documents that are potentially relevant to this Court's analysis of the motion to dismiss. Plaintiff has not pointed to any countervailing considerations sufficient to overcome the presumption of public access to judicial documents that would support the wholesale sealing of all of the exhibits, especially since several of the exhibits contain publicly available material and Plaintiff has already filed all of them publicly at Dkt. 39. If Plaintiff would like to propose discrete

redactions that satisfy the *Lugosch* standard, the Court would consider those redactions. *See, e.g., United States v. Avenatti*, 550 F. Supp. 3d 36, 54-55 (S.D.N.Y. 2021) (denying request to seal judicial documents with defendant's financial information but allowing defendant to propose narrow redactions).

Dated: January 6, 2025
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge